



JOHN ELIAS BALDACCI
GOVERNOR

STATE OF MAINE
DEPARTMENT OF HUMAN SERVICES
11 STATE HOUSE STATION
AUGUSTA, ME 04333-0011

July 29, 2003

TO: Interested Parties

FROM: Christine Zukas-Lessard, Acting Director, Bureau of Medical Services

SUBJECT: Final Rule: Department of Human Services Maine Certificate of Need Act Limitation, 10-144-501.

This new rule will, with certain exceptions, continue prohibiting the Department of Human Services from accepting any letter of intent for a certificate of need effective August 3, 2003 until May 4, 2004. This prohibition is currently in effect as a result of emergency rulemaking.

Written comments were received on the proposed rule and were accepted until June 16, 2003. No changes were made to the proposed rule.

This adopted rule includes the following: The Department of Human Services is prohibited from accepting any letter of intent for a certificate of need effective August 3, 2003 until May 4, 2004. The rule does not apply to:

- a) an emergency certificate of need pursuant to MRSA Section 335 (9) (Emergency Certificate of Need);
- b) a request for a certificate of need related to a nursing facility, as the term "nursing facility" is defined in 22 MRSA Section 328;
- c) a certificate of need pursuant to 22 MRSA Section 336 (Simplified Review and Approval Process); or
- d) a request for a determination by the Department that a proposed expenditure or action does not require a certificate of need under the Act.

Rules and related rulemaking documents may be reviewed at and printed from the Bureau of Medical Services website at <http://www.state.me.us/bms/rulemaking/> or, for a fee, interested parties may request a paper copy of rules by contacting Steven R. Keaten at 207-287-1836. The TDD/TTY number is 1-800-423-4331.

A copy of the rule-making documents may be obtained, or if you have any questions regarding the policy please contact Steven R. Keaten at 207-287-1836 or TTY: (207) 287-1828 or 1-800-423-4331.



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10-144-501
Maine Certificate of Need Act Limitation

Pursuant to 22 MRSA, Sec 342

Section 1. Except as provided in Section 2, the Department of Human Services (the "Department") shall not accept any letter of intent relating to a proposed expenditure or action requiring a certificate of need under the Maine Certificate of Need Act of 2002 (the "Act") from August 3, 2003 through May 4, 2004.

Section 2. Section 1 shall not apply to:

- a) An emergency certificate of need pursuant to 22 MRSA Section 335(9) (Emergency Certificate of Need);
- b) A request for a certificate of need related to a nursing facility, as the term "nursing facility" is defined in 22 MRSA Section 328(18);
- c) A certificate of need pursuant to 22 MRSA Section 336 (Simplified Review and Approval Process); or
- d) A request for a determination by the Department that a proposed expenditure or action does not require a certificate of need under the Act.